

CALFRESH (CF) PROGRAM

REQUEST FOR POLICY/REGULATION INTERPRETATION

INSTRUCTIONS: Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. If additional space is needed, please use the second page. Be sure to identify the additional discussion with the appropriate number and heading. Retain a copy of the CF 24 for your records.

- Questions from counties, including county Quality Control, must be submitted by the county CalFresh Coordinator and may be submitted directly to the CalFresh Policy analyst assigned responsibility for the county, with a copy directed to the appropriate CalFresh Policy unit manager.
- Questions from Administrative Law Judges may be submitted directly to the CalFresh Policy analyst assigned responsibility to the county where the hearing took place, with a copy of the form directed to the appropriate CalFresh Bureau unit manager.

1. RESPONSE NEEDED DUE TO: <input type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input checked="" type="checkbox"/> Fair Hearing <input type="checkbox"/> Other:	5. DATE OF REQUEST: 3/4/15	NEED RESPONSE BY: asap
2. REQUESTOR NAME:	6. COUNTY/ORGANIZATION: Ssn Bernardino	
3. PHONE NO.:	7. SUBJECT: Overissuance, MCE	
4. REGULATION CITE(S): MPP 63-301.74, ACIN I-50-13, ACL 11-11	8. REFERENCES: <i>(Include ACL/ACIN, court cases, etc. in references)</i> NOTE: All requests must have a regulation cite(s) and/or a reference(s). MPP 63-301.74, ACIN I-50-13, ACL 11-11	

9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):

The county has requested a RH from a decision that reduced a CF OI due to unreported income for 6/11 & 9/11-5/12 from \$2284 to \$2252. The reduction and the RH concern 6/11 & 5/12 only. The county contends the ALJ misapplied the MCE regs as she held those regs applicable even though the clmt failed to report income. The county argues that in such cases, the MCE regs do not apply.

10. REQUESTOR'S PROPOSED ANSWER:

I am a retired annuitant ALJ assigned to review rehearing requests. I am interested only in ensuring that my review follows program's legal interpretations. I have no personal position on the issue. Nonetheless, our tentative view is that the MCE regs and the 200% FPL do not apply to this case as the clmt didn't meet his reporting resps.

Please advise. A copy of the decision and RH request will forwarded to you.

11. STATE POLICY RESPONSE (CFPB USE ONLY):

The MCE regulations and the 200% FPL do not apply to this case. MCE may not be applied retroactively. The re-hearing request should be denied.

FOR CDSS USE

DATE RECEIVED:

03/04/2015

DATE RESPONDED TO COUNTY/ALJ:

March 20, 2015sc